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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,060	03/29/2001	John Zimmerman	US010076	5337

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER
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SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/821,060	<b>Applicant(s)</b> ZIMMERMAN, JOHN
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 August 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,11 and 20-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 2,4,21,22 and 24-28 is/are allowed.  
 6) Claim(s) 1,3,5,6,11,20,23,26 and 29-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed August 2, 2007 have been fully considered but they are not persuasive.

First, applicant argues that claims 29-33 were not accompanied by a substantive rejection (applicant's remarks, page 17).

In response, there are no elements found in claims 29-33 that are not anticipated by Graves as set forth in this or the previous office action, who has been shown to not only disclose those screen elements claimed (the listed preferences and axes along which they are disposed) but also the access mechanisms for making manual adjustments as well (which is also shown in fig. 5 of Graves to be the channel and volume controls that a user uses to traverse the various axes on screen and adjust values along said axes).

Next, applicant argues that the Graves reference does not teach the amended limitation of "wherein at least two of the plurality of axes are perpendicular to each other" (applicant's remarks, page 19).

In response, the examiner called applicant's attorney, Gregory Thorne, on September 17, 2007, for clarity regarding the support found in the specification for this limitation. As per said conversation, support for the limitation is found in that the axis to which the other plurality are perpendicular is simply an invisible arbitrary axis along which the weighted viewer preferences are disposed on a

screen. As such, the examiner maintains that Graves teaches such an arrangement, because the weighted viewer preferences not only are represented horizontally on the screen, but also as a vertically disposed list of preferences, in the same manner by which applicant's representative claimed support for the limitation in question.

Lastly, regarding claim 26, the amendment made has put the claim in condition for allowance, and no further comment is necessary.

***Claim Objections***

2. Claims 11 and 31 are objected to because of the following informalities: Claim 11, line 4 reads "view preferences" and should be changed to read --viewer preferences--. Claim 31, line 4 reads "view preferences" and should be changed to read --viewer preferences--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 11, 20, 26, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Graves et al. (5,410,344) [Graves].

Regarding claims 1 and 11 Graves discloses a television program profile interface having a multiplicity of axes (fig. 5), including:

a television viewer profile represented by weighted viewer preferences (fig. 5, col. 2, lines 62-64), different portions of which are selectable by traversing along one axis of the multiplicity of axes (using the channel control feature to traverse a vertical axis to select a feature, as shown in fig. 5),

wherein the weighted viewer preferences are represented along a plurality of axis that are different than the one axis of the multiplicity of axes (each feature is represented along a series of horizontal axes, perpendicular to the aforementioned vertical axis, as shown in fig. 5),

wherein at least two of the plurality of axes are perpendicular to each other (the leftmost vertical axis along which the weighted viewer preferences are themselves arranged is included in the plurality of axis along which the preferences are represented, the axis which is traversed to access different portions is considered to be parallel to this axis and further to the right, see fig. 5)

wherein the one axis of the multiplicity of axis are provided within a same view as the television profile (as shown in fig. 5),

wherein the one of the multiplicity of axes has an altering mechanism allowing a value associated with a portion on the one axis to be changed along the one axis (using the channel control feature described above, wherein the value is simply a position along the axis),

wherein the television viewer profile weighted viewer preferences have an activation mechanism that allows for viewer selection and manipulation of the television viewer profile weighted viewer preferences (using the volume control to set grade for a selected feature, as shown in fig. 5).

Regarding claim 3, Graves discloses the television program profile interface of claim 1, wherein said weighted viewer preferences are represented by bar graphs (see fig. 5).

Regarding claims 5 and 20, Graves discloses the television program profile interface of claim 1, wherein each of said weighted viewer preferences is individually viewer modifiable [along an axis] (using the channel and volume controls as illustrated in fig. 5 to select a feature and the corresponding grade associated with that feature).

Regarding claims 29-33, Graves discloses an interactive television program profile interface (fig. 5), including:

a television viewer profile represented by weighted viewer preferences in graphical form including a plurality of bar graphs, wherein the bar graphs change with respect to one axis of the multiplicity of axes (fig. 5, col. 2, lines 62-64), wherein the one axis of the multiplicity of axes has a profile view selecting mechanism that selects the profile view without altering the television viewer

profile by traversing along the one axis (using the channel control feature to traverse the vertical axis to select a feature, as shown in fig. 5), wherein on each of the multiplicity of axes represents an activity not involved in viewing television (the 'music' feature involves listening, not viewing), said bar graphs being coupled to an access mechanism that allows for viewer selection and altering of weighted viewer preferences (using the volume control to set grade for a selected feature, as shown in fig. 5).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves in view of Alexander et al. (6,177,931, of record).

Regarding claim 6, Graves discloses the television program profile interface of claim 1, but fails to disclose means for viewer interaction to alter a topic selection presented by the television viewer profile to provide said weighted viewer preferences sorted by a selected topic.

In an analogous art, Alexander discloses providing means to a user to alter topic selection of presented programming information to provided a sorted

display according to a selected topic (fig. 7, col. 7, lines 46-56 and col. 15, lines 33-39), proving the benefit of enhanced user control over displayed information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface of Graves to include means to a user to alter topic selection of presented information to provide a sorted display according to a selected topic, as taught by Alexander, for the benefit of enhanced user control over displayed viewer profile information.

Regarding claim 23, Graves discloses a television program profile interface having a multiplicity of axes (fig. 5), including:

a television viewer profile represented by weighted viewer preferences that change with respect to one axis of the multiplicity of axes (fig. 5, col. 2, lines 62-64),

wherein the weighted viewer preferences are represented along a plurality of axis that are different than the one axis of the multiplicity of axes (each feature is represented along a series of horizontal axes, perpendicular to the vertical axis, as shown in fig. 5),

wherein at least two of the plurality of axes are perpendicular to each other (the leftmost vertical axis along which the weighted viewer preferences are themselves arranged is included in the plurality of axis along which the preferences are represented, the axis which is traversed to access different

portions is considered to be parallel to this axis and further to the right, see fig. 5),

wherein the one axis of the multiplicity of axis are provided within a same view as the television profile (as shown in fig. 5),

wherein the one of the multiplicity of axes has an altering mechanism allowing a value associated with a portion on the one axis to be changed along the one axis (using the channel control feature described above, wherein the value is simply a position along the axis).

Graves fails to disclose a selection of the position along the one axis of the multiplicity of axes operates to filter the weighted viewer preferences to provide weighted viewer preferences that correspond to the selected position.

In an analogous art, Alexander teaches a user interface wherein a list of programming related information that spans more than one screen is presented to a user in portions, the portion which is shown to a user dependent upon the position of a cursor scrolling along an axis, effectively 'filtering' which portion of the information are shown based on a selected position of a cursor along an axis (col. 15 line 65 – col. 16 line 26), providing the benefit of allowing a user to scroll through a list of information that spans more than one screen.

It would have been obvious at the time to a person of ordinary skill in the art to modify the television program profile interface of Graves to include a selection of the position along the one axis of the multiplicity of axes operates to filter the weighted viewer preferences to provide weighted viewer preferences that

correspond to the selected position, as taught by Alexander, for the benefit of displaying a list of information which would otherwise occupy more than one screen.

### ***Allowable Subject Matter***

7. Claims 2, 4, 21, 22, and 24- 28 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: The invention is directed to a viewer profile interface which includes a series of screen elements arranged along a multiplicity of axes that allow a user to not only modify viewer profile elements, such as interest in particular topics (a feature taught by the prior art), but goes further to provide means for selecting different conditions which relate to said interest. The disclosure provides that factors such as day, time, weather, mood, or activity are selectable by a user to provide different views of profile elements by providing a series of axes along which said conditions are representatively disposed (as clearly illustrated in fig. 3 of the disclosure). Each claim indicated as allowable in the instant action is done based on the examiner's understanding that the use of the term 'axis' goes beyond merely an arbitrary boundary or line along which screen elements are disposed and are actually a part of the utility of the invention itself.

Claims 2 and 27 define the 'at least one axis' as comprising time, and this reasonably restricts the scope of the claims to that which is described in the specification. A user traverses along the time axis to access different sets of profile data as they relate to time, which has been found to be novel arrangement.

Claims 21 and 24 define the 'at least one axis' as comprising at least two axes, and this also reasonably restricts the scope of the claims to that which is described in the specification. Before, the breadth of the claims were such that the 'at least one axis' was simply an arbitrary line along which screen elements were disposed, and thus traversing along the axis was to simply scroll through screen elements. Defining the at least one to include at least two axes makes it clear that what is being claimed are the plurality of traversable vertical slider bars as shown in fig. 3.

Claim 26, similar to claims 2 and 27, defines the 'least one axis' to be unrelated to viewing or listening to television, as supported on page 12 of the originally filed specification, reasonably limiting the claim to include at least one representative axis which adds to the utility of the claimed invention that is not simply another viewer preference.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER

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